

1 SB313  
2 204441-5  
3 By Senator Chambliss (N & P)  
4 RFD: Local Legislation  
5 First Read: 12-MAR-20

1 SB313

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to Elmore County; authorizing the levy of a  
8 lodging tax and providing for the distribution of the proceeds  
9 from the tax.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. In Elmore County, in addition to all  
12 other taxes imposed by law, the Elmore County Commission may  
13 levy a privilege or license tax in the amount prescribed in  
14 this section against every person within the county engaging  
15 in the business of renting or furnishing a room or rooms,  
16 lodging or accommodations, to a transient in a hotel, motel,  
17 inn, condominium, house, tourist court, or another place in  
18 which rooms, lodgings, or accommodations are regularly  
19 furnished to transients for a consideration. The amount of the  
20 tax shall be equal to a percent of the charge for the rooms,  
21 lodgings, or accommodations, including the charge for use of  
22 rental or personal property and services furnished in the room  
23 or rooms within Elmore County equal to a percent in the  
24 corporate limits of each municipality levying a lodging tax  
25 and a percent in the remainder of the county outside of the

1 corporate limits of any municipality levying a lodging tax so  
2 that the total lodging tax levied in each municipality levying  
3 a lodging tax on January 1, 2020, and in the remainder of the  
4 county outside of the corporate limits of any municipality  
5 levying a lodging tax is equal to 15.5 percent, based on the  
6 lodging tax levied by any municipality on January 1, 2020,  
7 except in any municipality levying a lodging tax on January 1,  
8 2020, equal to or exceeding 15.5 percent, no additional  
9 lodging tax shall be levied. In any municipality where the  
10 municipality levies both a lodging tax and a cooperative  
11 district assessment for lodging, the lodging tax and the  
12 cooperative district assessment fee on lodging at any lodging  
13 establishment shall be added together and the total tax and  
14 fees on lodging at the establishments shall not exceed the  
15 15.5% considering the combined lodging tax and cooperative  
16 district assessment fee that was in effect as of January 1,  
17 2020. In the event that a lodging tax and a cooperative  
18 district assessment fee on lodging is required to be added  
19 together, the county shall receive a minimum of two percent of  
20 the lodging tax levied by this act prior to distribution to a  
21 municipality as provided in this act. In addition, the Elmore  
22 County Commission may levy an additional room fee on the  
23 rental of a room subject to the lodging tax in the amount of  
24 two dollars (\$2) in order to equalize the room fee in Elmore

1 County with the present rate in the City of Prattville in  
2 Autauga County.

3 Section 2. (a) There are exempted from the  
4 provisions of the tax levied by this act and from the  
5 computation of the amount of the tax levied or payable all of  
6 the following: Charges for property sold or services furnished  
7 which are required to be included in the tax levied by the  
8 state sales tax act; charges for the rental of rooms,  
9 lodgings, or accommodations to a person for a period of 30  
10 continuous days or more pursuant to the exemption provision of  
11 Alabama's Transient Occupancy Tax, Section 40-26-1 of the Code  
12 of Alabama 1975. A subsequent amendment or change to the  
13 Alabama Transient Occupancy Tax shall also have the effect of  
14 similarly changing the exemption provision of this act.

15 (b) Notwithstanding the provisions of this section,  
16 the tax shall not apply to the rental of living accommodations  
17 which are intended primarily for rental to persons as their  
18 principal or permanent place of residence.

19 Section 3. (a) The tax levied by this act, except as  
20 otherwise provided, shall be due and payable to Elmore County  
21 on or before the 20th day of the month next succeeding the  
22 month in which the tax accrues. Notwithstanding any provision  
23 of this act providing for the responsibility of the county to  
24 collect and administer the tax provided in this act, the  
25 county may contract with an agent to perform all or any part

1 of its duties pursuant to this act. On or before the 20th day  
2 of each month, every person on whom the tax is levied by this  
3 act shall render to the county on a form prescribed by the  
4 department, a true and correct statement showing the gross  
5 proceeds of the business subject to the tax for the then  
6 preceding month, together with other information as the county  
7 requires. At the time of making the monthly report, the  
8 taxpayer shall compute and pay to the county the amount of tax  
9 shown due. A person subject to the tax who conducts business  
10 on a credit basis may defer reporting and paying the tax until  
11 after the person has received payment of the items, articles,  
12 or accommodations furnished. In the event the taxpayer defers  
13 reporting and paying the taxes, he or she shall thereafter  
14 include in each monthly report all credit collections made  
15 during the then preceding month and shall pay the amount of  
16 taxes computed thereon at the time of filing the report.

17 (b) It shall be the duty of every person engaged or  
18 continuing in a business subject to the tax levied by this act  
19 to keep and preserve suitable records of the gross proceeds of  
20 the business and other books or accounts necessary to  
21 determine the amount of tax for which he or she is liable  
22 pursuant to this act. The records shall be kept and preserved  
23 for a period of two years and shall be open for examination at  
24 all times by the county or by a duly authorized agent, deputy,  
25 or employee of the county.

1           (c) A person who fails to pay the tax levied by this  
2 act within the time required by this act shall pay in addition  
3 to the tax a penalty of 10 percent of the amount of tax due,  
4 together with interest from the date on which the tax became  
5 due and payable at the rate due and payable on the state  
6 lodging tax. The penalty and interest shall be assessed and  
7 collected as a part of the tax. The county may, if good and  
8 sufficient reason be shown, waive or remit the penalty or a  
9 portion of the penalty.

10           Section 4. All provisions of the state lodging tax  
11 statutes with respect to payment, assessment, and collection  
12 of the state lodging tax, making of reports and keeping and  
13 preserving records, interest after due date of tax, or  
14 otherwise; the promulgation of rules with respect to the state  
15 lodging tax; and the administration and enforcement of the  
16 state lodging tax statutes, which are not inconsistent with  
17 the provisions of this act when applied to the tax levied by  
18 this act, shall apply to the levied tax. The county shall have  
19 and exercise the same powers, duties, and obligations with  
20 respect to the district taxes levied as imposed on the  
21 Commissioner of the Department of Revenue and the department,  
22 respectively, by the state lodging tax statutes. All  
23 provisions of the state lodging tax statutes that are made  
24 applicable to this act, to the taxes levied, and to the

1 administration of this act are incorporated herein by  
2 reference and made a part as if fully set forth.

3 Section 5. The county shall contract with an agent  
4 for collection of the tax and the agent may deduct from the  
5 proceeds of the tax levied an amount equal to the contracted  
6 amount for the collections, provided the charge does not  
7 exceed five percent of the total amount of tax collected.  
8 Following that deduction, the agent shall pay the remainder of  
9 the tax proceeds to the county.

10 Section 6. Except as otherwise provided in this act,  
11 the balance of the proceeds from the tax levied by this act  
12 shall be deposited into the Elmore County Lodging Fund. The  
13 net proceeds from the tax collected outside of the  
14 municipalities shall be used by the county for economic  
15 development purposes. Sixty-seven percent of the remaining  
16 funds in the Lodging Fund shall be used by the county for  
17 economic development purposes. Thirty-three percent of the  
18 remaining funds in the Lodging Fund shall be distributed to  
19 the municipalities on an equal basis where the lodging tax was  
20 collected to be used by the municipality for economic  
21 development purposes pursuant to an agreement with Elmore  
22 County. If Elmore County and any municipality fail to agree on  
23 the use of the funds by the municipality, that portion shall  
24 revert to the Lodging Fund for appropriation by the county for  
25 economic development purposes. All of the net proceeds from

1 any room fees shall be deposited in the Elmore County Lodging  
2 Fund to be used by the county for economic development  
3 purposes. All funds in the Elmore County Lodging Fund shall be  
4 used for economic development purposes as determined by the  
5 Elmore County Commission.

6 Section 7. The provisions of this act shall not be  
7 applied in a manner to violate the Commerce Clause of the  
8 United States Constitution. If a provision of this act is held  
9 invalid, the invalidity shall not affect the remaining  
10 provisions of this act.

11 Section 8. This act shall become effective  
12 immediately following its passage and approval by the  
13 Governor, or its otherwise becoming law.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB313

Senate 05-MAY-20

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 08-MAY-20

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By: Senator Chambliss